

Staff Summary Report

Council Meeting Date: 07/22/2008

Agenda Item Number: _____

SUBJECT: This is the **introduction and first public hearing** to adopt an ordinance granting two permanent power distribution easements to Salt River Project Agricultural Improvement and Power District by the City of Tempe. **The second public hearing is set for August 14, 2008.**

DOCUMENT NAME: 20080722PWCH20 **EASEMENTS (0904-02)**
ORDINANCE NO. 2008.32

SUPPORTING DOCS: Yes

COMMENTS: These easements will enable the provision of electrical power to the operation of the Tempe Light Rail Project and private power users in the area of Apache Boulevard and McClintock Drive.

PREPARED BY: Larry Shobe, Engineering Services Administrator (x8417)

REVIEWED BY: Andy Goh, Deputy PW Manager/City Engineer (x8896)

APPROVED BY: Glenn Kephart, Public Works Manager (x8205)

LEGAL REVIEW AS TO FORM: Cynthia McCoy, Assistant City Attorney (x2187)

FISCAL NOTE: N/A

RECOMMENDATION: Adopt Ordinance No. 2008.32 and authorize the Mayor to execute any necessary documents.

ORDINANCE NO. 2008.32

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF
TEMPE, ARIZONA, AUTHORIZING THE GRANTING OF
TWO ELECTRICAL POWER DISTRIBUTION EASEMENTS
ON CITY OWNED PROPERTY LOCATED ON EAST APACHE
BOULEVARD EAST OF MCCLINTOCK DRIVE.

WHEREAS, it has been determined that the City of Tempe requires electrical power to operate the Light Rail Project within the City borders; and,

WHEREAS, the City of Tempe wishes to grant two electrical power distribution easements as described in Exhibits "A" and "B" attached hereto, to Salt River Project Agricultural Improvement and Power District.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS

Section 1. That the City of Tempe does hereby authorize the granting of two electrical power easements to Salt River Power District in the form attached hereto as, Exhibits "A" and "B".

Section 2. The Mayor or his designee is authorized to execute any documents that may be necessary to carry out the provisions of this Ordinance, including without limitation the Easements.

Ordinance No. 2008.32
Page Two

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,
ARIZONA this _____ day of August, 2008.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT

Land Department/PAB350

P. O. Box 52025

Phoenix, Arizona 85072-2025

POWER DISTRIBUTION EASEMENT

Maricopa County
APN 133-04-006
LRT Parcel 30.6222
TPSS#12 - Exterior

R/W # 2771B Agt. VDH
Job # KJC-22
W DA C RAP

CITY OF TEMPE, an Arizona municipal corporation,

hereinafter called Grantor, for and in consideration of the sum of One Dollar, and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, an agricultural improvement district organized and existing under the laws of the State of Arizona, its agents, employees, contractors and permittees and its and their respective successors and assigns, hereinafter called the Grantee, a non-exclusive easement in, upon, over, under, across, through and along the lands hereinafter described (such lands hereinafter described being sometimes referred to herein as the "Easement Parcel") to construct, install, reconstruct, replace, remove, repair, operate and maintain underground electrical conductors, conduits, pipes, cables, vaults, pads, switching equipment, enclosures, manholes and transformers and all other appliances, appurtenances and fixtures (collectively "Facilities") for the transmission and distribution of electricity and for all other purposes connected therewith at such locations and elevations, in, upon, over, under, across, through and along the Easement Parcel as Grantee may now or hereafter deem convenient or necessary from time to time, together with the right of ingress and egress to, from, across and along the Grantor's Property.

The lands in, upon, over, under, across, through and along which this easement is granted are situated in the County of Maricopa, State of Arizona, and are more particularly described as:

Easement Parcel:

**FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE.**

CAUTION: Facilities placed within the Easement Parcel may contain high voltage electrical equipment. Notice is hereby given that the location of underground electrical conductors or facilities must be verified as required by Arizona Revised Statutes, Section 40-360.21, et. seq., Arizona Blue Stake Law, prior to any excavation.

Grantor shall maintain a clear area that extends 3.00 feet from and around all edges of all transformer pads and other equipment pads, and a clear operational area that extends 12.00 feet immediately in front of all transformer and other equipment openings. No obstruction, trees, shrubs, fixtures or permanent structures shall be placed within said areas.

Grantor shall not construct, install or place, or permit to be constructed, installed or placed any building or other structure, plant any trees, drill any well, store materials of any kind, or alter ground level by cut or fill, within the area of the Easement Parcel.

Grantee shall have the right (but not the obligation) to trim, cut and clear away trees, brush or other vegetation on, the Easement Parcel whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

In the event Grantee records a document to formally abandon the easement granted herein, all Grantee's rights hereunder shall cease, except the right to remove any and all property placed upon the Easement Parcel within a reasonable time subsequent to such abandonment.

IN WITNESS WHEREOF, **CITY OF TEMPE**, an Arizona municipal corporation, has caused its name to be executed by its duly authorized representative(s), this _____ day of _____, 2008.

CITY OF TEMPE

By _____

Its _____

By _____

Its _____

STATE OF ARIZONA)

) ss

COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this ____ day of _____, 2008, by _____ and _____,

_____, as _____ and _____, respectively, **CITY OF TEMPE**, an Arizona municipal corporation, on behalf of such corporation.

My Commission Expires: _____

Notary Public

(Notary Stamp/Seal)

Note: This instrument is exempt from the real estate transfer fee and affidavit of legal value required under A.R.S. Sections 11-1132 and 11-1133 pursuant to the exemptions set forth in A.R.S. Sections 11-1134(A)(2) and (A)(3).

EXHIBIT "A"

Maricopa County
TPSS #12 - Outside
APN 133-04-006

R/W 1853D VDH

KJC-22

W *[Signature]* C *[Signature]*

EASEMENT PARCEL:

Said easement being that portion of Lot 2, **McCLINTOCK AND APACHE PARK AND RIDE** as recorded in Book 933 of Maps, Page 46, records of Maricopa County, Arizona, being located in the Southwest quarter of Section 24, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more particularly described as follows:

Said easement being 8.00 feet wide, 4.00 feet on each side of the following described centerline:

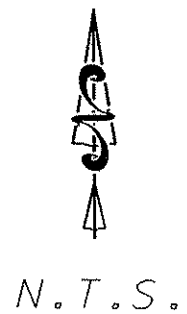
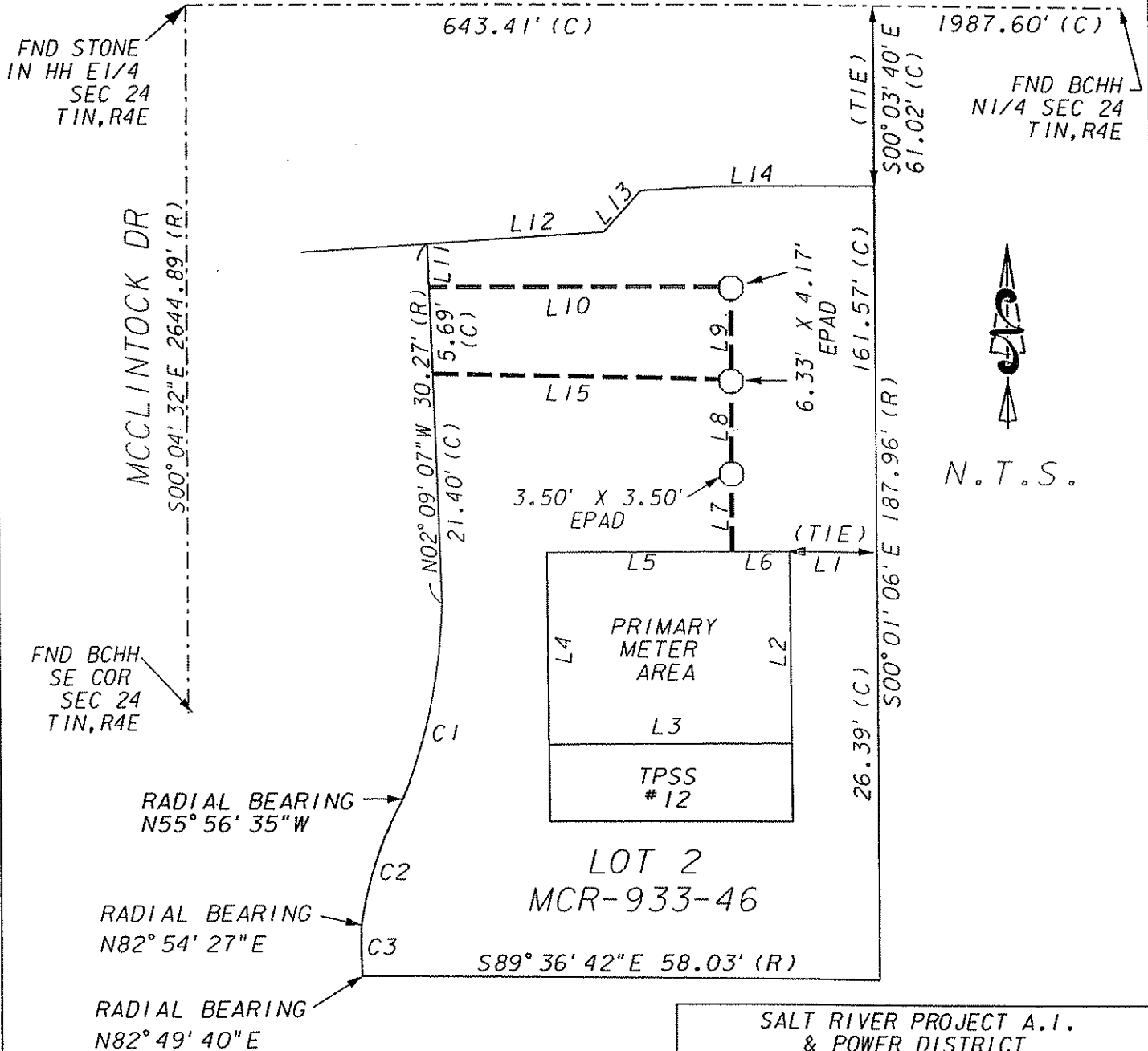
Commencing at the most-westerly Northwest corner of above said Lot 2; thence South 02° 09' 07" East (Assumed bearing) along the West line of said Lot 2, a distance of 3.18 feet to the **POINT OF BEGINNING** of the easement herein described; thence North 89° 26' 44" East a distance of 13.04 feet to a point within a 6.33 foot by 4.17 foot equipment pad (EPAD) area, said EPAD area being part of the herein described easement; thence South 05° 55' 01" West distance of 7.15 feet to a point within a 6.33 foot by 4.17 foot equipment pad (EPAD) area, said EPAD area being part of the herein described easement, said point hereinafter called Point A; thence from said Point A, North 83° 50' 55" West a distance of 12.16 feet to a terminus at a point on the westerly line of said Lot 2; thence **ALSO** from said Point A, South 05° 55' 00" West a distance of 6.83 feet to a point within a 3.50 foot by 3.50 foot equipment pad (EPAD) area, said EPAD area being part of the herein described easement, South 02° 03' 11" East a distance of 81.06 feet to a point on the northerly exterior wall of a building being the Light Rail Project Tracking Power Sub Station Number 12 (TPSS #12), said point being the terminal point of the herein described centerline description.

EXCEPTING therefrom any portion of the above described easement falling within dedicated roadway.

EXHIBIT "A"

SRP JOB
KJC-22

APACHE BLVD
(BASIS OF BEARINGS MCR-993-46)
S89°56'20"W 2631.01' (R)



LEGEND

- SECTION AND CENTERLINE
- PROPERTY LINE
- CENTERLINE OF 8' EASEMENT
- EQUIPMENT PAD(S) -
UNLESS OTHERWISE NOTED
ARE PART OF THE EASEMENT.

SALT RIVER PROJECT A.I.
& POWER DISTRICT

VMR TPSS #12
SW1/4, SEC. 24, T1N, R4E
UNDERGROUND ELECTRIC
POWER LINE RIGHT-OF-WAY
MARICOPA COUNTY, ARIZONA

DESIGNED: SOUDER AGENT: HERNANDEZ
DRAWN: DENNIS V. CHK'D BY: _____
DATE: 06-17-08 APPROVED: _____
SCALE: N.T.S. SHEET 1 OF 2

EXHIBIT "A"

SRP JOB
KJC-22

LINE TABLE		
NO.	BEARING	DISTANCE
L1	S89°58'54"W	9.80' (C)
L2	S00°16'21"E	14.00' (C)
L3	S89°43'39"W	23.47' (C)
L4	N00°16'21"W	14.00' (C)
L5	N89°43'39"E	21.41' (C)
L6	N89°43'39"E	2.05' (C)
L7	N02°03'11"W	81.06' (C)
L8	N05°55'00"E	6.83' (C)
L9	S05°55'01"W	7.15' (C)
L10	N89°26'44"E	13.04' (C)
L11	N02°09'07"W	3.18' (C)
L12	N86°18'55"E	8.62' (R)
L13	N42°13'15"E	24.70' (R)
L14	N86°33'28"E	1.24' (R)
L15	N83°50'55"W	12.16' (C)

CURVE TABLE			
NO.	LENGTH	RADIUS	DELTA
C1	66.87'	99.50'	38°30'24"
C2	71.82'	100.00'	41°08'57"
C3	6.63'	63.93'	5°56'27"

NOTE: SYMBOLS MAY NOT BE TO DRAWING SCALE, SO AS TO BETTER ENHANCE GRAPHICAL REPRESENTATION

NOTE: THIS EXHIBIT IS INTENDED TO ACCOMPANY AN EASEMENT, IT IS NOT A SURVEY AND SHOULD NOT BE CONSTRUED AS SUCH.

CAUTION

THE EASEMENT LOCATION AS HEREON DELINEATED MAY CONTAIN HIGH VOLTAGE ELECTRICAL EQUIPMENT, NOTICE IS HEREBY GIVEN THAT THE LOCATION OF UNDERGROUND ELECTRICAL CONDUCTORS OR FACILITIES MUST BE VERIFIED AS REQUIRED BY ARIZONA REVISED STATUTES, SECTION 40-380.21, ET. SEQ., ARIZONA BLUE STAKE LAW, PRIOR TO ANY EXCAVATION.

SALT RIVER PROJECT A.I.
& POWER DISTRICT

VMR TPSS #12
SW 1/4, SEC. 24, T1N, R4E
UNDERGROUND ELECTRIC
POWER LINE RIGHT-OF-WAY
MARICOPA COUNTY, ARIZONA

DESIGNED: SOUDER AGENT: HERNANDEZ
DRAWN: DENNIS V. CHK'D BY: _____
DATE: 06-17-08 APPROVED: _____
SCALE: N.T.S. SHEET 2 OF 2

EXHIBIT B

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT

Land Department/PAB350

P. O. Box 52025

Phoenix, Arizona 85072-2025

POWER DISTRIBUTION EASEMENT

Maricopa County
APN 133-04-006
LRT Parcel # 30.6222
TPSS#12 - Interior

R/W # 2771B Agt. VDH

Job # KJC-22

W QML C RAP.

**CITY OF TEMPE,
an Arizona municipal corporation,**

hereinafter called Grantor, for and in consideration of the sum of One Dollar, and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, an agricultural improvement district organized and existing under the laws of the State of Arizona, its agents, employees, contractors and permittees and its and their respective successors and assigns, hereinafter called the Grantee, a non-exclusive easement in, upon, over, under, across, through and along the lands hereinafter described (such lands hereinafter described being sometimes referred to herein as the "Easement Parcel") to construct, install, reconstruct, replace, remove, repair, operate and maintain underground electrical conductors, conduits, pipes, cables, vaults, pads, switching equipment, enclosures, manholes and transformers and all other appliances, appurtenances and fixtures (collectively "Facilities") for the transmission and distribution of electricity and for all other purposes connected therewith at such locations and elevations, in, upon, over, under, across, through and along the Easement Parcel as Grantee may now or hereafter deem convenient or necessary from time to time, together with the right of ingress and egress to, from, across and along the Grantor's Property.

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Grantor shall maintain a clear area that extends 3.00 feet from and around all edges of all cabinets and other equipment, and a clear operational area that extends 12.00 feet immediately in front of all cabinets and other equipment openings. No obstruction, fixtures or permanent structures shall be placed within said areas.

Grantor shall not construct, install or place, or permit to be constructed, installed or placed any structure, drill any well, store materials of any kind, or alter ground level by cut or fill, within the area of the Easement Parcel.

In the event Grantee records a document to formally abandon the easement granted herein, all Grantee's rights hereunder shall cease, except the right to remove any and all property placed upon the Easement Parcel within a reasonable time subsequent to such abandonment.

The covenants and agreements herein set forth shall extend and inure in favor and to the benefit of and shall be binding on the heirs, administrators, executors, personal representatives, legal representatives, successors (including successors in ownership and estate), assigns and lessees of the Grantor and Grantee.

IN WITNESS WHEREOF, **CITY OF TEMPE**, an Arizona municipal corporation, has caused its name to be executed by its duly authorized representative(s), this _____ day of _____, 2008.

CITY OF TEMPE

By _____

Its _____

By _____

Its _____

STATE OF ARIZONA)

) ss

COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this ____ day of _____, 2008, by

and

_____, as _____

and _____, respectively, **CITY OF TEMPE**, an Arizona municipal corporation,
on behalf of such corporation.

My Commission Expires:

Notary Public

Notary Stamp/Seal

Note: This instrument is exempt from the real estate transfer fee and affidavit of legal value required under A.R.S. Sections 11-1132 and 11-1133 pursuant to the exemptions set forth in A.R.S. Sections 11-1134(A)(2) and (A)(3).

EXHIBIT "A"

Maricopa County
TPSS #12 - Interior
APN 133-04-006

R/W 1853D VDH
KJC-22
W CBH C RAP

EASEMENT PARCEL:

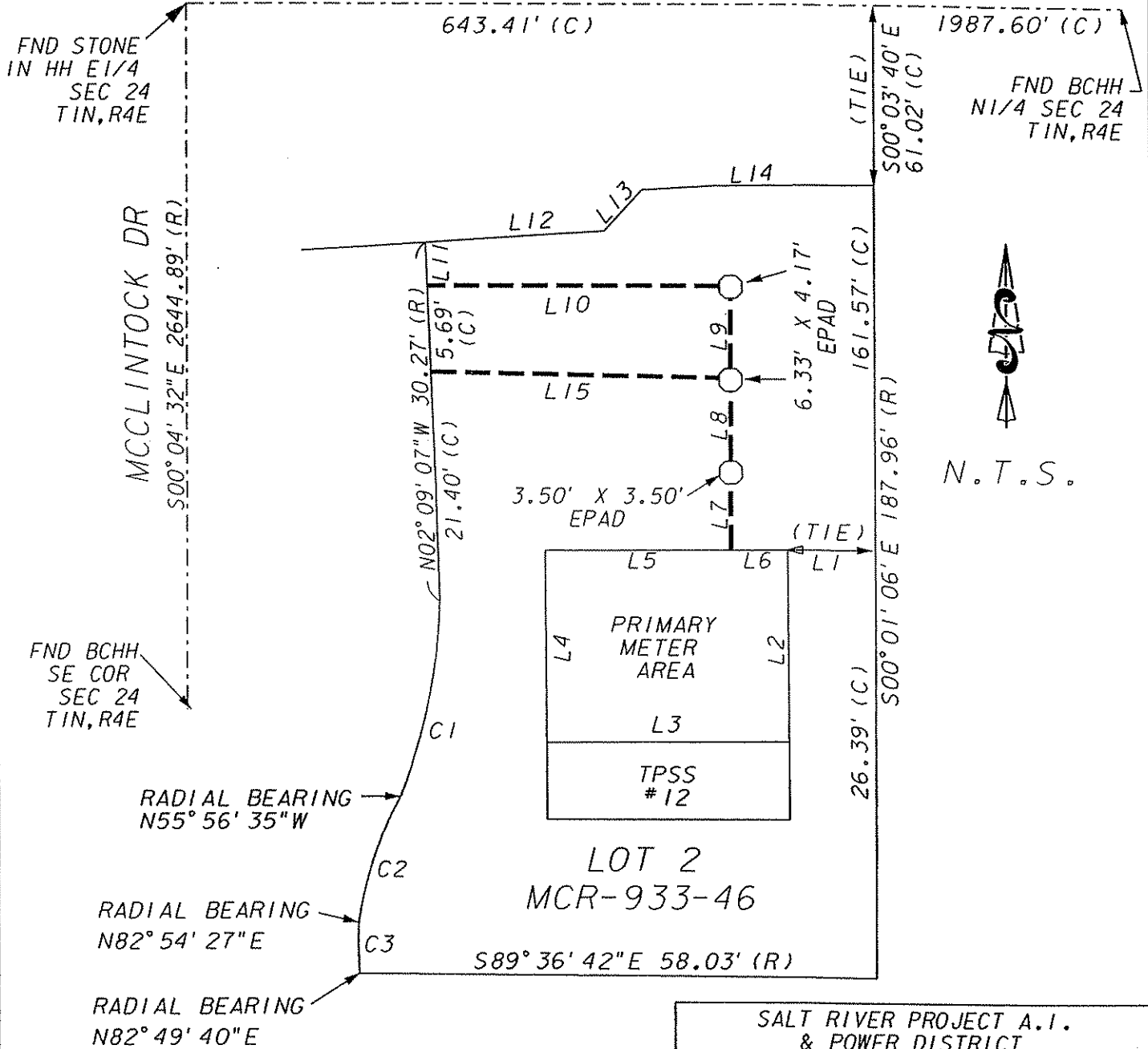
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EXHIBIT "A"

SRP JOB
KJC-22

APACHE BLVD
(BASIS OF BEARINGS MCR-993-46)
S89°56'20"W 2631.01' (R)



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SALT RIVER PROJECT A.I.
& POWER DISTRICT

VMR TPSS #12
SW 1/4, SEC. 24, T1N, R4E

UNDERGROUND ELECTRIC
POWER LINE RIGHT-OF-WAY
MARICOPA COUNTY, ARIZONA

DESIGNED: SOUDER AGENT: HERNANDEZ
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SCALE: N.T.S. SHEET 2 OF 2